

## PREFACE

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The amendments in this publication include the following:

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Part XI. Underground Storage Tanks	UT017	February 20, 2010

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- ft – Fast-Track Rule - Federal regulations promulgated in accordance with expedited procedures in R.S. 49:953(F)(3)
- F – Federal Language
- L – Louisiana Language
- S – Substantive Changes to Proposed Rule
- P – Rule resulting from a Petition for Rulemaking

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## Title 33, Part III

## Title 33

## ENVIRONMENTAL QUALITY

### Part III. Air

### Chapter 22. Control of Emissions of Nitrogen Oxides (NO<sub>x</sub>)

#### §2201. Affected Facilities in the Baton Rouge Nonattainment Area and the Region of Influence

A. – A.1. ...

2. The provisions of this Chapter shall apply during the *ozone season*, as defined in Subsection B of this Section, of each year.

3. ...

B. Definitions. Unless specifically defined in this Subsection or in LAC 33:III.111 or 502, the words, terms, and abbreviations in this Chapter shall have the meanings commonly used in the field of air pollution control. For purposes of this Chapter only, the following definitions shall supersede any definitions in LAC 33:III.111 or 502.

\* \* \*

**Affected Facility**—any facility within the Baton Rouge Nonattainment Area with one or more affected point sources that collectively emit or have the potential to emit 25 tons or more per year of NO<sub>x</sub>, unless exempted in Subsection C of this Section, or any facility within the Region of Influence with one or more affected point sources that collectively emit or have the potential to emit 50 tons or more per year of NO<sub>x</sub>, unless exempted in Subsection C of this Section. Exempt sources in a facility shall not be included in the determination of whether it is an affected facility.

\* \* \*

**Low Ozone Season Capacity Factor Boiler or Process Heater/Furnace**—a boiler or process heater/furnace in the Baton Rouge Nonattainment Area with a maximum rated capacity greater than or equal to 40 MMBtu/hour and an ozone season average heat input less than or equal to 12.5 MMBtu/hour, using a 30-day rolling average; or in the Region of Influence with a maximum rated capacity greater than or equal to 80 MMBtu/hour and an ozone season average heat input less than or equal to 25 MMBtu/hour, using a 30-day rolling average.

\* \* \*

**Ozone Season**—except as provided in LAC 33:III.2202, the period May 1 to September 30, inclusive, of each year.

\* \* \*

**Thirty-Day (30-Day) Rolling Average**—an average, calculated daily, of all hourly data for the last 30 days for an affected point source. At the beginning of each ozone season, use one of the following methods to calculate the initial 30-day averages:

a. calculate and record the average of all hourly readings taken during the first day of the ozone season for day one, then the average of all hourly readings taken during the first and second days for day two, and so on until the first full 30-day average falling entirely within the ozone season is reached;

b. calculate and record a 30-day rolling average for day one of the ozone season using the hourly readings from that day and the previous 29 calendar days, for the second day of the ozone season using the readings from the first two ozone season days and the preceding 28 calendar days, and so on until the first full 30-day average falling entirely within the current ozone season is reached; or

c. calculate and record a 30-day rolling average for day one of the ozone season using the hourly readings from that day and the last 29 days of the previous ozone season, for the second day of the ozone season using the readings from the first two current ozone season days and the last 28 days of the previous ozone season, and so on until the first full 30-day average falling entirely within the current ozone season is reached.

\* \* \*

C. Exemptions. The following categories of equipment or processes located at an affected facility within the Baton Rouge Nonattainment Area or the Region of Influence are exempted from the provisions of this Chapter:

1. – 3.b. ...

4. *low ozone season capacity factor boilers and process heater/furnaces*, as defined in Subsection B of this Section, in accordance with Paragraph H.11 of this Section;

5. – 5.g. ...

6. any point source, in accordance with Paragraph H.12 of this Section, that operates less than 3 hours per day, using a 30-day rolling average, during the ozone season;

7. – 14. ...

15. any affected point source that is required to meet a more stringent state or federal NO<sub>x</sub> emission limitation, whether by regulation or permit. In this case, the monitoring, reporting, and recordkeeping requirements shall be in accordance with the more stringent regulation or permit and not this Chapter. If the applicable regulation or permit does not specify monitoring, reporting, and recordkeeping requirements, the provisions of Subsections H and I of this Section shall apply;

16. – 17. ...

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18. any affected point source firing fuel oil during a period of emergency and approved by the administrative authority;

19. – 20. ...

#### D. Emission Factors

1. The following tables list NO<sub>x</sub> emission factors that shall apply to affected point sources located at affected facilities in the Baton Rouge Nonattainment Area or the Region of Influence.

Table D-1A NO <sub>x</sub> Emission Factors for Sources in the Baton Rouge Nonattainment Area		
Category	Maximum Rated Capacity	NO <sub>x</sub> Emission Factor <sup>a</sup>
Electric Power Generating System Boilers:		
Coal-fired	>= 40 to <80 MMBtu/Hour	0.50 pound/MMBtu
	>= 80 MMBtu/Hour	0.21 pound/MMBtu
Number 6 Fuel Oil-fired	>= 40 to <80 MMBtu/Hour	0.30 pound/MMBtu
	>= 80 MMBtu/Hour	0.18 pound/MMBtu
All Others (gaseous or liquid)	>= 40 to <80 MMBtu/Hour	0.20 pound/MMBtu
	>= 80 MMBtu/Hour	0.10 pound/MMBtu
Industrial Boilers:		
All Fuels	>= 40 to <80 MMBtu/Hour	0.20 pound/MMBtu
	>= 80 MMBtu/Hour	0.10 pound/MMBtu
Process Heater/Furnaces:		
Ammonia Reformers	>= 40 to <80 MMBtu/Hour	0.30 pound/MMBtu
	>= 80 MMBtu/Hour	0.23 pound/MMBtu
All Others	>= 40 to <80 MMBtu/Hour	0.18 pound/MMBtu
	>= 80 MMBtu/Hour	0.08 pound/MMBtu
Stationary Gas Turbines:		
Peaking Service, Fuel Oil-fired	>= 5 to <10 MW	0.37 pound/MMBtu
	>= 10 MW	0.30 pound/MMBtu
Peaking Service, Gas-fired	>= 5 to <10 MW	0.27 pound/MMBtu
	>= 10 MW	0.20 pound/MMBtu
All Others	>= 5 to <10 MW	0.24 pound/MMBtu <sup>b</sup>
	>= 10 MW	0.16 pound/MMBtu <sup>c</sup>
Stationary Internal Combustion Engines:		
Lean-burn	>= 150 to <320 Hp	10 g/Hp-hour
	>= 320 Hp	4 g/Hp-hour
Rich-burn	>= 150 to <300 Hp	2 g/Hp-hour
	>= 300 Hp	2 g/Hp-hour

<sup>a</sup> based on the higher heating value of the fuel

<sup>b</sup> equivalent to 65 ppmv (15 percent O<sub>2</sub>, dry basis) with an F factor of 8710 dscf/MMBtu

<sup>c</sup> equivalent to 43 ppmv (15 percent O<sub>2</sub>, dry basis) with an F factor of 8710 dscf/MMBtu

Table D-1B NO <sub>x</sub> Emission Factors for Sources in the Region of Influence		
Category	Maximum Rated Capacity	NO <sub>x</sub> Emission Factor <sup>a</sup>
Electric Power Generating System Boilers:		
Coal-fired	>= 80 MMBtu/Hour	0.21 pound/MMBtu
Number 6 Fuel Oil-fired	>= 80 MMBtu/Hour	0.18 pound/MMBtu
All Others (gaseous or liquid)	>= 80 MMBtu/Hour	0.10 pound/MMBtu
Industrial Boilers:		
All Fuels	>= 80 MMBtu/Hour	0.10 pound/MMBtu
Process Heater/Furnaces:		
Ammonia Reformers	>= 80 MMBtu/Hour	0.23 pound/MMBtu
All Others	>= 80 MMBtu/Hour	0.08 pound/MMBtu
Stationary Gas Turbines:		
Peaking Service, Fuel Oil-fired	>= 10 MW	0.30 pound/MMBtu
Peaking Service, Gas-fired	>= 10 MW	0.20 pound/MMBtu
All Others	>= 10 MW	0.16 pound/MMBtu <sup>b</sup>
Stationary Internal Combustion Engines:		
Lean-burn	>= 1500 Hp	4 g/Hp-hour
Rich-burn	>= 300 Hp	2 g/Hp-hour

<sup>a</sup> all factors are based on the higher heating value of the fuel

<sup>b</sup> equivalent to 43 ppmv (15 percent O<sub>2</sub>, dry basis) with an F factor of 8710 dscf/MMBtu

2. – 8. ...

9. On a day that is designated as an Ozone Action Day by the department, a facility shall not fire an affected point source with Number 6 fuel oil or perform testing of emergency and training combustion units without prior approval of the administrative authority. If a facility has received approval from the administrative authority for a plan to use Number 6 fuel oil, this is considered prior approval for purposes of this Paragraph.

E. – E.1.c.ii. ...

d. An owner or operator that chooses to use the provisions of Clause E.1.b.i or E.1.c.i of this Section to demonstrate compliance in an averaging plan shall include in the submitted plan a description of the actions that will be taken if any under-controlled unit is operated at more than 10 percent above its averaging capacity (HI<sub>i</sub> in Subparagraph E.1.a of this Section). Such actions may include a comparison of the total current emissions from all units in the averaging plan to the total emissions that would result if

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the units in the plan were operated in accordance with Subsection D of this Section, other reviews, reporting, and/or mitigation actions. If the department determines that the actions are not adequate to prevent an increase of emissions over the total emissions that would result if the units were operated in accordance with Subsection D of this Section, the department shall require that the averaging plan and/or the action plan be revised or shall disallow the use of the averaging plan.

e. ...

f.  $\text{NO}_x$  reductions accomplished after 1997 through curtailments in capacity of a point source with a permit revision or by permanently shutting down the point source may be included in the averaging plan. In order to include a unit with curtailed capacity or that has been permanently shut down in the averaging plan, the old averaging capacity, determined from the average of the two ozone seasons prior to the capacity curtailment or shutdown, or such other two-year period as the department may approve, shall be used to calculate the unit's contribution to the term FL. The new averaging capacity, determined from the enforceable permit revision, shall be multiplied by the owner-assigned limit to calculate the contribution of the curtailed unit to the cumulative emission factor for the averaging group. For a shut down source, the contribution to the cumulative emission factor shall be zero.

g.  $\text{NO}_x$  reductions from post 1997 modifications to exempted point sources, as defined in Subsection C of this Section, may be used in a facility-wide averaging plan. If a unit exempted in Subsection C of this Section is included in an averaging plan, the term  $R_{ji}$  in Equation E-1 shall be established, in accordance with Subsection G of this Section, from a stack test or other determination of emissions approved by the department that was performed before the  $\text{NO}_x$  reduction project was implemented, and the term  $R_{ai}$  shall be established from the owner-assigned emission factor in accordance with Subparagraph E.1.a of this Section. For the case of a point source exempted by Paragraph C.15 of this Section, if the permit limits were established after 1997 and were not required by a state or federal regulation, the source may be included in an averaging plan, with the term  $R_{ji}$  taken from Table D-1A or D-1B in Paragraph D.1 of this Section.

E.1.h. – G.4. ...

5. Compliance with the emission specifications of Subsection D or E of this Section for affected point sources operating without CEMS or PEMS shall be demonstrated while operating at the maximum rated capacity, or as near thereto as practicable. The stack tests shall be performed according to emissions testing guidelines located on the department website under Air Quality Assessment/Emission Testing Program. Three minimum 1-hour tests, or three minimum 20-minute tests for turbines, shall be performed and the following methods from 40 CFR Part 60, Appendix A shall be used:

G.5.a. – H.1.b.v. ...

vi. alternatively to Clauses H.1.b.ii-iv of this Section, the owner or operator may request approval from the administrator for an alternative monitoring plan that uses a fuel-oxygen operating window to demonstrate continuous compliance of  $\text{NO}_x$  and CO. In order to continuously demonstrate compliance with the  $\text{NO}_x$  limits of Subsection D or E of this Section, the owner or operator shall implement procedures to operate the boiler on or inside the fuel and oxygen lines that define the operating window. The corners of the window shall be established during the initial compliance test required by Subsection G of this Section or similar testing at another time. The details for use of an alternative monitoring plan shall be submitted in the permit application or in the optional compliance plan described in Paragraph F.7 of this Section. The plan shall become part of the facility permit and shall be federally enforceable.

2. – 2.b.v. ...

vi. alternatively to Clauses H.2.b.ii-iv of this Section, the owner or operator may request approval from the department for an alternative monitoring plan that uses a fuel-oxygen operating window, or other system, to demonstrate continuous compliance of  $\text{NO}_x$  and CO. In order to continuously demonstrate compliance with the  $\text{NO}_x$  limits of Subsection D or E of this Section, the owner or operator shall implement procedures to operate the process heater/furnace on or inside the fuel and oxygen lines that define the operating window. The corners of the window shall be established during the initial compliance test required by Subsection G of this Section or similar testing at another time. The details for use of an alternative monitoring plan shall be submitted in the permit application or in the optional compliance plan described in Paragraph F.7 of this Section. The plan shall become part of the facility permit and shall be federally enforceable.

3. – 9.b. ...

10. All affected point sources that rely on periodic stack testing to demonstrate continuous compliance and use a catalyst to control  $\text{NO}_x$  emissions shall be tested to show compliance with the emission factors of Subsection D or E of this Section after each occurrence of catalyst replacement. Portable analyzers shall be acceptable for this check. Documentation shall be maintained on-site, if practical, of the date, the person doing the test, and the test results. Documentation shall be made available for inspection upon request.

11. The owner or operator of any *low ozone season capacity factor boiler or process heater/furnace*, as defined in Subsection B of this Section, for which an exemption is granted shall install, calibrate, and maintain a totalizing fuel meter, with instrumentation approved by the department, and keep a record of the fuel input for each affected point source during each ozone season. If the average Btu-per-ozone season-hour limit is exceeded, the owner or operator of any boiler or process heater/furnace covered under this exemption shall include the noncompliance in the written report that is due in accordance with Paragraph I.2 of this

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Section. If the average Btu-per-ozone season-hour limit is exceeded, the exemption shall be permanently withdrawn. Within 90 days after receipt of notification from the administrative authority of the loss of the exemption, the owner or operator shall submit a permit modification detailing how the facility will meet the applicable emission factor as soon as possible, but no later than 24 months, after exceeding the ozone season limit. Included with this permit modification, the owner or operator shall submit a schedule of increments of progress for the installation of the required control equipment. This schedule shall be subject to the review and approval of the department.

12. The owner or operator of any affected point source that is granted an exemption in accordance with Paragraph C.6 of this Section shall install, calibrate, and maintain a nonresettable, elapsed run-time meter to record the operating time in order to demonstrate compliance during the ozone season. If the average operating hours-per-day limit is exceeded the owner or operator shall include the noncompliance in the written report that is due in accordance with Paragraph I.2 of this Section. If the average operating hours-per-day limit is exceeded, the exemption shall be permanently withdrawn. Within 90 days after receipt of notification from the administrative authority of the loss of the exemption, the owner or operator shall submit a permit modification detailing how the facility will meet the applicable emission factor as soon as possible, but no later than 24 months, after exceeding the limit. Included with this permit modification, the owner or operator shall submit a schedule of increments of progress for the installation and operation of the required control equipment. This schedule shall be subject to the review and approval of the department.

13. Elapsed run-time and fuel meters, oxygen, diluents, and CO monitors, and other such instrumentation required by this Section shall be calibrated according to the manufacturer's recommendations, but not less frequently than once per year. Records shall be maintained according to Paragraph I.3 of this Section.

14. Any unit with a permit requirement or applicable regulation that requires more stringent testing than this Chapter requires shall comply with the permit requirements or applicable regulation rather than this Chapter.

15. Continuous demonstration of compliance with fuel, oxygen concentration, and other parameter limits shall be on a 30-day rolling average basis.

### I. Notification, Recordkeeping, and Reporting Requirements

1. ...

2. The owner or operator of an affected point source granted an exemption in accordance with any part of Subsection C of this Section or required to demonstrate continuous compliance in accordance with Subsection H of this Section shall submit a written report within 90 days of

the end of each ozone season to the administrative authority of any noncompliance of the applicable limitations of Subsection D or E of this Section. The required information may be included in reports provided to the administrative authority to meet other requirements, so long as the report meets the deadlines and content requirements of this Paragraph. The report shall include the following information:

- a. a description of the noncompliance;
- b. a statement of the cause of the noncompliance;
- c. the anticipated time that the noncompliance is expected to continue or, if it has been corrected, the duration of the period of noncompliance; and
- d. the steps taken to prevent recurrence of the noncompliance.

### I.3. – J.1. ...

2. The owner or operator shall complete all initial compliance testing, specified by Subsection G of this Section, for equipment modified with NO<sub>x</sub> reduction controls or a NO<sub>x</sub> monitoring system to meet the provisions of this Chapter within 60 days of achieving normal production rate or after the end of the shake down period, but in no event later than 180 days after initial start-up. Required testing to demonstrate the performance of existing, unmodified equipment shall be completed in a timely manner, but by no later than November 1, 2005.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:290 (February 2002), repromulgated LR 28:451 (March 2002), amended LR 28:1578 (July 2002), LR 30:748 (April 2004), LR 30:1170 (June 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2441 (October 2005), LR 33:2088 (October 2007), LR 34:71 (January 2008), LR 36:60 (January 2010).

### §2202. Contingency Plan

A. This Section shall become effective only in the event that the United States Environmental Protection Agency (EPA) determines and notifies the department in accordance with Section 175A(d) of the Clean Air Act as amended [42 USC 7511(b)(2)] that the Baton Rouge area has violated the 8-hour ozone National Ambient Air Quality Standard (NAAQS), and that the department must put this contingency plan into effect.

B. Definition of *Ozone Season*. In the event of notification from EPA in accordance with Subsection A of this Section, the definition of *ozone season* in LAC 33:III.2201.B will be the period April 1 to October 31, inclusive, of each year.

C. Effective Dates. An owner or operator of a source subject to this Chapter shall comply with this Section as expeditiously as possible, but not later than the first day of



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the next ozone season after determination and notification by the EPA in accordance with Subsection A of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment,

Environmental Planning Division, LR 30:1170 (June 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 36:63 (January 2010).

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### ENVIRONMENTAL QUALITY

#### Part XI. Underground Storage Tanks

#### Chapter 6. Training Requirements for Underground Storage Tank System Operators

##### §601. Purpose

A. This Chapter implements requirements mandated by the Underground Storage Tank Compliance Act, 42 U.S.C. 6991.

B. The requirements outlined in this Chapter apply to UST systems regulated under this Part, except those excluded by regulation in LAC 33:XI.101.B and those deferred by regulation in LAC 33:XI.101.C.2.a.i – v.

C. Owners and operators of UST systems described in Subsection B of this Section must comply with the UST operator training requirements listed in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 36:313 (February 2010).

##### §603. Underground Storage Tank Operator Classes

A. There shall be three classes of UST operators, identified as Class A, Class B, and Class C.

1. Designation. Owners of UST systems described in LAC 33:XI.601.B must designate for each UST system or group of UST systems at a facility, at least one named individual for each class of operators.

a. UST owners may designate a different individual for each class of operators, or one individual for more than one operator class.

b. Any individual designated for more than one operator class shall be trained and certified for each operator class that the individual is designated to represent.

c. During hours of operation, UST facilities must have at least one certified UST operator (either a Class A, Class B, or Class C UST operator) present at the UST facility, except when a UST facility is un-manned. A UST facility is considered *un-manned* when there is no attendant present at the facility who could respond to alarms or emergencies caused by spills or overfills from the UST system. Examples of UST facilities that may be un-manned at times include, but are not limited to, card lock or card access fueling stations with no attendant present at the time of operation, telecommunication towers or utility transfer stations serviced by emergency generator USTs, and un-attended UST systems located at industrial facilities.

2. Training. Individuals designated as Class A, B, or C UST operators shall be trained and certified in accordance

with these regulations by the applicable deadlines in LAC 33:XI.607.

B. The three classes of UST operators are identified as follows.

##### 1. Class A UST Operator

a. Functions. A class A operator of a UST system is the tank owner, or person designated by the tank owner to represent the owner's interest, who has the primary responsibility of ensuring the proper operation and maintenance of the UST system, including managing resources and personnel necessary to achieve and maintain compliance with these regulations.

b. Qualifications and Training. Class A UST operators must be trained in and have a general knowledge of the requirements of these regulations, including, but not limited to, the UST registration, system components, product compatibility, spill and overfill prevention, corrosion protection, and release detection requirements, and the UST recordkeeping and notification requirements, release and suspected release reporting and response requirements, temporary and permanent closure requirements, operator training requirements, and financial responsibility requirements.

##### 2. Class B UST Operator

a. Functions. A class B operator of a UST system is a person or persons designated by the tank owner to implement all applicable requirements of these regulations in the field and to implement the day-to-day aspects of the operation and maintenance of, and recordkeeping for, UST systems at one or more facilities.

b. Qualifications. Class B UST operators must be capable of monitoring, maintaining, and ensuring compliance with all the release detection and prevention methods and equipment requirements, the release detection and prevention recordkeeping and reporting requirements, and the release detection equipment performance standards, and must be capable of ensuring that Class C UST operators are trained in facility-specific emergency procedures and notification requirements, and that these procedures and requirements are posted for the use of Class C UST operators.

c. Training. Class B UST operators must be trained in and have knowledge of:

- i. UST system components, including the materials and compatibility of such components;
- ii. methods of release detection and release prevention; and
- iii. the operation and maintenance requirements that apply to:
  - (a). spill and overfill prevention;
  - (b). release detection and corrosion protection;
  - (c). emergency response procedures;

- (d). product compatibility;
- (e). reporting and recordkeeping; and
- (f). Class C UST operator training.

### 3. Class C UST Operator

a. **Function.** A Class C operator of a UST system is a person or persons designated by the tank owner to be responsible for the effective response to alarms or other indications of emergencies caused by spills, overfills, or releases from UST systems, and to any other indication of possible releases from UST systems.

b. **Training.** Class C UST operators must be trained in emergency response procedures, which must include the operation of emergency shut-off equipment, initial response procedures to alarms and releases, and required notifications to emergency responders and to the designated Class A and Class B operators of a UST system.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 36:313 (February 2010).

#### **§605. Acceptable UST Operator Training and Certification Processes**

**A.** Training. Operator training must evaluate operator fulfillment of the training requirements described for each class of operator in LAC 33:XI.603. The following is a list of acceptable approaches to meet the operator training requirements.

1. **Acceptable Training for Class A and Class B UST Operators.** Class A and Class B UST operators must complete a UST operator training seminar that includes the information listed in LAC 33:XI.603.B.1 or 2, respectively, and that has received approval by the department. This program may include in-class or hands-on training performed, contracted for, or approved by the department, and must include an evaluation of operator knowledge through testing, practical demonstration, or other tools deemed acceptable by the department.

### 2. Acceptable Training for Class C UST Operators

a. Class A or Class B UST operators must ensure that the UST facility's Class C UST operators complete training in emergency procedures that includes the information listed in LAC 33:XI.603.B.3. Class C UST operator training programs may include in-class, hands-on, on-line, or any other training format deemed acceptable by the Class A or Class B UST operator.

b. UST owners and Class B UST operators must ensure that site-specific notices that include site-specific emergency procedures, the location of emergency shut-off devices, and appropriate emergency contact telephone numbers are posted in a prominent area at the UST facility that is easily visible to the Class C UST operator.

**B.** Certification. UST operators are considered certified UST operators after successfully completing one of the training processes listed in Subsection A of this Section.

1. **Class A and Class B UST Operators.** The department or a department-approved training contractor will provide written verification to all Class A and Class B UST operators who have successfully completed training, in the form of a training certificate stating the classification(s) obtained.

2. **Class C UST Operators.** Certified Class A or Class B UST operators for a UST facility must submit, to the department or a department-approved contractor, a list of all Class C UST operators at that facility who have been trained, and the department or department-approved contractor will provide each such Class C UST operator with written verification of successful training completion in the form of a training certificate.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 36:314 (February 2010).

#### **§607. Underground Storage Tank Operator Training Deadlines**

**A.** On or after [INSERT DATE OF PROMULGATION], owners of UST systems must designate their Class A and Class B UST operators and provide these designations to department personnel or to department-contracted inspectors during department or contract inspections.

**B.** In order to ensure that all Class A and Class B UST operators have completed an acceptable operator training course as specified in LAC 33:XI.605 by August 8, 2012, the following training schedule for Class A and Class B UST operators who have not been previously certified must be followed.

1. All Class A and Class B UST operators for facilities inspected between [INSERT DATE OF PROMULGATION] and November 8, 2011, must complete an acceptable operator training course as specified in LAC 33:XI.605 within nine months of the inspection date.

2. All Class A and Class B UST operators, including those Class A and Class B UST operators who have not been given departmental notice during inspections of their need to receive qualifying training, must complete an acceptable operator training course as specified in LAC 33:XI.605 no later than August 8, 2012.

**C.** All Class C UST operators must complete an acceptable operator training course as specified in LAC 33:XI.605.A.2 by August 8, 2012.

**D.** After August 8, 2012, UST owners must require that all newly-designated Class A or Class B UST operators complete an acceptable operator training course as specified in LAC 33:XI.605 within 30 days after assuming operation and maintenance responsibilities at the UST system.

E. After August 8, 2012, UST owners must require that all newly-designated Class C UST operators complete an acceptable operator training course as specified in LAC 33:XI.605 before assuming unsupervised responsibility for responding to emergencies at UST system facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 36:315 (February 2010).

#### **§609. Underground Storage Tank Operator Training Frequency**

A. Certified Class A and Class B UST operators must be re-trained in accordance with LAC 33:XI.603 and 605 within three years of their last training date.

1. Certified Class A and Class B UST operators who are the designated operators for multiple facilities are only required to attend one department-approved UST operator training seminar every three years.

2. Certified Class A and Class B UST operators may work at any UST facility in Louisiana without having to be re-trained until their certifications expire.

B. Certified Class C UST operators may only work at UST facilities owned by the UST owners that provided their initial training without having to be re-trained. Class C UST operators must be re-trained prior to assuming responsibility at a facility owned by a different UST owner that did not provide the initial training.

C. When issues of noncompliance are noted at a facility, Class A and/or Class B UST operators, as determined by the department for that UST facility, must attend either a department-sponsored compliance class that addresses the noted noncompliant areas or an acceptable operator training course as specified in LAC 33:XI.605, as determined by the

department, within the time frame given in the notification by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 36:315 (February 2010).

#### **§611. Documentation of Underground Storage Tank Operator Training**

A. Owners and operators must maintain the following records demonstrating compliance with UST operator training requirements for operators associated with the facility:

1. a training certificate for each person who is currently serving as a Class A, Class B, or Class C UST operator for as long as that person serves as a UST operator for the facility; and

2. a list of emergency procedures, which includes site-specific emergency procedures, the location of emergency shut-off devices, and appropriate emergency contact telephone numbers, that is posted in a prominent area at the UST facility that is easily visible to the Class C UST operator.

B. Owners and operators must either keep the required training records at the UST site and immediately available for the department's inspection, or at a readily available alternative location and provide them to the department for inspection upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 36:315 (February 2010).